

ER

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERGUN SHADOYAN
1511 Gregg Street, Unit B
Philadelphia, PA 19115

Plaintiff(s)

v.

**MERCANTILE ADJUSTMENT
BUREAU, LLC**
6390 Main Street, Suite 160
Williamsville, NY 14221

Defendant

No.: **13 7615**

Jury Trial Demanded

COMPLAINT

INTRODUCTION

1. This is a lawsuit for damages brought by consumer(s) for Defendant(s)' alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. (hereinafter "FDCPA").

JURISDICTION AND VENUE

2. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.

3. Jurisdiction of this Court arises under 15 U.S.C. Section 1692k(d), 28 U.S.C. Section 1331, 1337 and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. Section 1367. Venue is proper in accordance with 28 U.S.C. Section 1391(b).

4. Defendant obtains the benefit(s) of regularly transacting business in Philadelphia County in the Commonwealth of Pennsylvania.

5. Defendant regularly transacts business in the county of Philadelphia in the Commonwealth of Pennsylvania.

PARTIES

6. All previous paragraphs of this complaint are incorporated by reference and made a part of this Complaint.

7. Plaintiff is Tegrun Shadoyan, an adult individual with a current address of 1511 Gregg Street, Unit B, Philadelphia, PA 19115.

8. Defendant(s) is Mercantile Adjustment Bureau, LLC, a business engaged in consumer debt collection with a principle place of business located at 6390 Main Street, Sutie 160, Williamsville, NY 14221.

FACTUAL BACKGROUND

9. All previous paragraphs of this Complaint are incorporated by reference as though fully set forth herein.

10. On or about November 15, 2013, within 365 days from the date of the filing of this Complaint, Defendant called on several occasions Plaintiff, Tegrun Shadoyan, x-wife's (Nadiya Litovska) cellular phone number 267-474-5152. (See attached copy of cell phone screen picture, Exhibit "A")

11. Defendant was attempting to collect an alleged debt of Plaintiff Tegrun Shadoyan and left the following message on, his x-wife's, (Nadiya Litovska) cellular phone:

"Hi, this message is solely for Tegrin. If you are not Tegrin please disconnect the call. By continuing to listen you acknowledge you are. My name is Tia Race, my contact number is 866-851-0083, my extension is 8262. I am mandated to inform you that this communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used solely for that purpose." (To be produced at trial.)

12. Defendant disclosed to third party/ies that this matter was debt related.
13. Defendant failed to provide meaningful disclosure of identity, specifically the name of the Defendant company, Mercantile Adjustment Bureau, was not disclosed.

COUNT I
VIOLATION OF THE FDCPA
15 USC 1692 et. seq.

14. All previous paragraphs of this Complaint are incorporated by reference as though fully set forth herein.
15. Plaintiff is a consumer debtor as defined by the Fair Debt Collection Practices Act (FDCPA), 15 USC 1692a(3).
16. Defendant is a debt collector as defined by the FDCPA, 15 USC 1692a(6).
17. At all times mentioned herein, Defendant was attempting to collect on an alleged consumer "debt" against Plaintiff through "communications" as defined by FDCPA 15 U.S.C. Section 1692a(2) and 1692a(5).
18. Defendant violated the FDCPA, 15 U.S.C Sections, 1692c(b), 1692d, 1692d(6), 1692e(10), and 1692f in the following manner:
 - (a) Communicating with Third Parties;
 - (b) Engaging in conduct the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of a debt;
 - (c) Failing to provide meaningful disclosure of caller's identity;

- (d) Using false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer; and
- (e) Otherwise using false, deceptive or misleading and unfair or unconscionable means to collect or attempt to collect a debt.

19. The FDCPA is a strict liability statute and “because the Act imposes strict liability, a consumer need not show intentional conduct by the debt collector to be entitled to damages. Taylor v. Perrin, Landry, deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997); Russell v. Equifax A.R.S., 74 F.3d 30 (2d Cir. 1996).

20. Defendant engaged in per se violations of the FDCPA Sections 1692c(b), 1692d, 1692d(6), 1692e(10), and 1692f.

21. Defendant’s actions and/or omissions as described above were malicious, intentional, willful, wanton, reckless and negligent against Plaintiff.

22. Plaintiff was distressed and suffered from embarrassment, stress and anxiety.

23. Defendant is liable for the acts committed by its agents under the doctrine of respondent superior because Defendant’s agents were acting within the scope of their employment with Defendant.

24. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.

25. Any mistake made by Defendant would have included a mistake of Law.

26. Any mistake made by Defendant would not have been a reasonable or bona fide mistake.

COUNT II
INVASION OF PRIVACY BY INTRUSION UPON SECLUSION

27. All previous paragraphs of this Complaint are incorporated by reference as though fully set forth herein.

28. Defendant intentionally interfered, physically or otherwise with the solitude, seclusion and or private concerns of affairs of the Plaintiff, Tergrun Shadoyan.

29. Defendant intentionally caused harm to Plaintiff, Tergrun Shadoyan's, emotional well-being by engaging in highly offensive conduct in the course of collecting this debt thereby invading and intruding upon Plaintiff's right to privacy.

30. Plaintiff, Tegrn Shadoyan, had a reasonable expectation of privacy in Plaintiff's solitude, seclusion and/or private concerns or affairs.

31. The intrusions and invasions by Defendant occurred in a way that would be highly offensive to a reasonable person in that position.

As a result of such invasions of privacy Plaintiff, Tagrun Shadoyan, is entitled to actual damages in an amount to be determined at trial from the Defendant.

COUNT III
VIOLATIONS OF THE PENNSYLVANIA UNFAIR TRADE PRACTICES
AND CONSUMER PROTECTION LAW, 73 P.S. Section 201-1, et seq.

32. All previous paragraphs of this Complaint are incorporated by reference as though fully set forth herein.

33. The Defendant's violations of the Pennsylvania Fair Credit Extension Uniformity Act constitutes per se violations under the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

34. The Defendant's acts were done with malicious, intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights under the law.

35. As a result of the Defendant's violations the Plaintiff has suffered ascertainable losses entitling the Plaintiff to actual, statutory and treble damages.

DAMAGES

36. All previous paragraphs of this Complaint are incorporated by reference as though fully set forth herein.

37. Defendant is liable to Plaintiff for money damages pursuant to 15 U.S.C. Sections 1692k(a)(1), 1692k(a)(2)(A) and attorney's fees pursuant to 15 U.S.C. Section 1692k(a)(3).

WHEREFORE, Plaintiff respectfully requests that the following relief be granted:

- (a) Actual damages, including but not limited to phone, fax, stationary, postage, etc. pursuant to 15 U.S.C. Section 1692k(a)(1);
- (b) Statutory Damages pursuant to 15 U.S.C. Section 1692k(a)(2)(A) - \$1,000.00;
- (c) \$5,000.00 for Emotional Distress, Humiliation, Embarrassment and Anxiety;
- (d) Attorney's Fees and costs pursuant to 15 U.S.C. Section 1692 k(a)(3) and 73 P.S. Section 2270.5 against the Defendant. Attorneys' fees are calculated at a rate of \$350.00 per hour;
- (e) Statutory damages pursuant to 73 P.S. Section 2270.5(c);

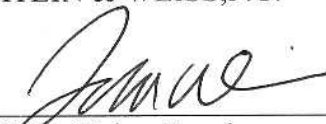
- (f) Actual Damages pursuant to 73 P.S. Section 201-9.2(a);
- (g) Statutory damages pursuant to 73 P.S. Section 201.9-2(a);
- (h) Treble damages pursuant to 73 P.S. Section 201-9.2(a)

Plaintiff's attorney fees continue to accrue as the case move forward.

- (i) All other relief that the Court deems just and proper.

Respectfully Submitted,
BLITSSTEIN & WEISS, P.C.

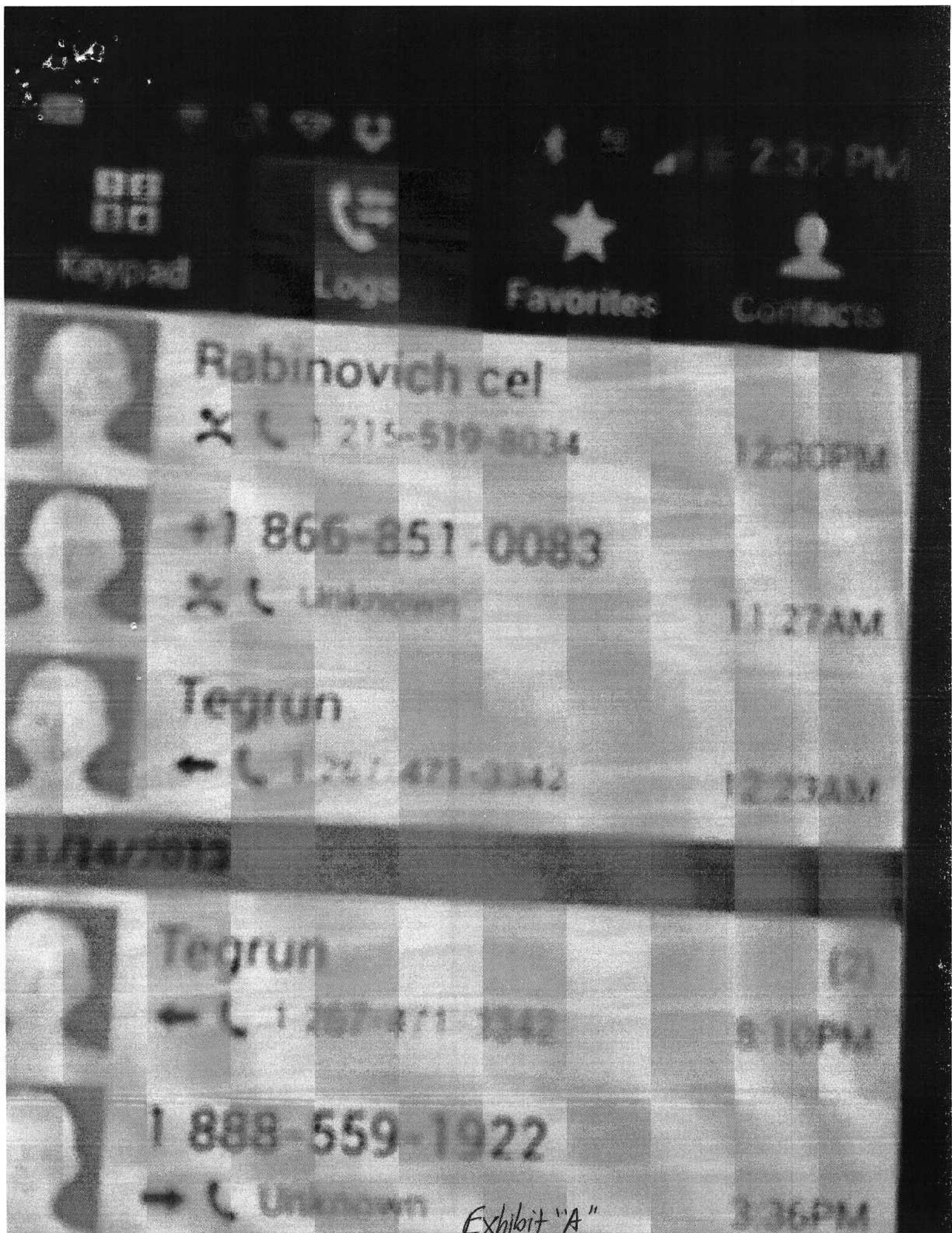
By:



Tova Weiss, Esquire
Iriana Blitshtein, Esquire
648 2nd Street Pike
Southampton, PA 18966
(215)364-4900
Fax (215)364-8050
Attorneys for Plaintiff

Date:

12/26/2013



JS 44 (Rev. 12/97)

ER**CIVIL COVER SHEET****13 7615**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Tegrun Shadoyan

DEFENDANTS Mercantile Adjustment Bureau, LLC(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Blitshtein & Weiss 648 2nd Street Pike
Southampton PA 18966

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Trust in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizures of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 860 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692 et seq.

Brief description of cause:
Fair Credit Collection Practices Act**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/26/2013

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

DEC 27 2013



UNITED STATES DISTRICT COURT

13-CV-7615

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1511 Gregg Street, Unit B, Philadelphia, PA 19115

Address of Defendant: 6390 Main Street, Suite 160, Williamsville, NY 14221

Place of Accident, Incident or Transaction: _____

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

1. Tova Weiss

counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(e)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 12/26/2013

Attorney-at-Law

74015

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/26/2013

Attorney-at-Law

74015

Attorney I.D.#

ER**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

Tegrun Shadoyan

CIVIL ACTION

v.

Mercantile Adjustment Bureau, LLC

NO. **13** **7615**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

12/26/2013

Date

Attorney-at-law

215-364-4900

Telephone

215-364-8050

FAX Number

Tegrun Shadoyan

Attorney for Plaintiff, Tegrun Shadoyan

Weiss@lawyersbw.com

E-Mail Address

(Civ. 660) 10/02

DEC 2 / 2013

ER

IRIANA BLITSHEIN*

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TOVA WEISS*

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*Also admitted in NY

Law Offices of
BLITSHEIN & WEISS, P.C.

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Phone: (215) 364-4900

Toll Free: (888) 435-4111

Facsimile: (215) 364-8050

WWW.LAWYERSBW.COM

December 26, 2013

13 7615

United States District Court
Eastern District of Pennsylvania
Room 2609
601 Market Street
Philadelphia, PA 19106
Attention: Office of the Clerk of Court

VIA FIRST CLASS MAIL; POSTAGE PREPAID

RE: Tegrun Shadovan v. Mercantile Adjustment Bureau, LLC

Dear Sir/Madame:

Enclosed herein please find the following documents to be filed with the Court regarding the above referenced case:

1. Civil Cover Sheet;
2. Designation Form;
3. Case Management Track Designation Form;
4. Complaint;
5. Application to Proceed in District Court Without Prepaying Fees or Costs.

Kindly, forward a copy of the time stamped Complaint and Summons back to my office in the enclosed self-addressed stamped envelope.

Should you have any questions or concerns please contact the undersigned attorney.

Thank you for your time and attention in this regard.

Very truly yours,
BLITSHEIN & WEISS, P.C.

BY:


TOVA WEISS, ESQUIRE

TW/rf
Enclosure(s)

